

Montana Water Court
PO Box 1389
Bozeman, MT 59771-1389
(406) 586-4364
watercourt@mt.gov

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
SWEET GRASS - BASIN (43BV)

CLAIMANT: Linda McMullen

CASE 43BV-0329-R-2023

43BV 30139080

43BV 30139081

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

FINDINGS OF FACT

1. The present record owner of claims 43BV 30139080 and 43BV 30139081 is Linda McMullen.
2. Claims 43BV 30139080 and 43BV 30139081 were decreed with DNRC issue remarks:

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 01/27/2020 , THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY TWIN FORKS RANCH LLC.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 43BV DECREE ISSUED 12/19/1984.

3. As this Water Master was uncertain if the first-listed issue remark was intended as an ownership issue remark or a legal land description issue remark, Claimant Linda McMullen was ordered to meet with the DNRC to address the remark. The Order Setting Deadlines Pursuant to Section 85-2-248(5), MCA stated that Twin Forks Ranch, LLC would be notified, if appropriate, based on the outcome of the DNRC contact.

4. On May 5, 2023, DNRC Water Resource Specialist Brandy Gray filed a Memorandum stating Linda McMullen failed to contact her. Ms. Gray reported that based on her research, Linda McMullen transferred Twin Forks Ranch, LLC to her son Jason in 2018. Ms. Gray confirmed it appears the ownership of claims 43BV 30139080 and 43BV 30139081 should be updated.

5. Twin Forks Ranch, LLC has been added to the service list for this Case.

CONCLUSIONS OF LAW

1. The Water Court is required to address all issue remarks that appear on a claim as well as any objections the claim receives. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.

2. The remarks decreed on claims 43BV 30139080 and 43BV 30139081 stating that the claims were not included in the 1984 decree are notice-type remarks. As no objections were filed, no further proceedings are required based on the remarks.

RECOMMENDATIONS

1. Twin Forks Ranch, LLC should contact the Billings DNRC Regional Office to update ownership of claims 43BV 30139080 and 43BV 30139081, if appropriate. The contact information is:

Billings Regional Office, DNRC
Airport Business Park
1371 Rintop Drive
Billings, MT 59105-1978
(406) 247-4415

2. The issue remarks should be removed from claims 43BV 30139080 and 43BV 30139081.

Post Decree Abstracts of Water Right Claims are served with the Report for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Linda McMullen
P.O. Box 1650
Big Timber, MT 59011

(Potential Owner)

Twin Forks Ranch, LLC
P.O. Box 1429
Big Timber, MT 59011

Service List Updated: 5/23/2023

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV**

Water Right Number: 43BV 30139080 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: LINDA M MCMULLEN
PO BOX 1650
BIG TIMBER, MT 59011

Priority Date: OCTOBER 22, 1918

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: 35.00 GPM

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SPRING, UNNAMED TRIBUTARY OF WILDCAT CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNENW	30	3N	17E	SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWNENW	30	3N	17E	SWEET GRASS

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV**

Water Right Number: 43BV 30139081 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: LINDA M MCMULLEN
PO BOX 1650
BIG TIMBER, MT 59011

Priority Date: OCTOBER 22, 1918

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: 35.00 GPM

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Diversion Means: SPRING BOX

Period of Use: JANUARY 1 TO DECEMBER 31

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